

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN CURREN SMITH,

Defendant.

Case No. 3:16-CR-00138-SLG-KFM

**FINAL REPORT AND
RECOMMENDATION REGARDING
PETITION FOR HEARING¹**

[Docket No. 60]

The District Court referred the Petition for hearing filed by Cherise Fowler² seeking to establish a third party interest in one 2007 GMC Yukon, VIN: 1GKFK13037R132685 which was subject to a preliminary forfeiture order³ in the above styled matter.⁴

This Court promptly set the matter for a hearing.⁵

Thereafter, the government filed a motion to vacate the hearing.⁶ The government conceded that Fowler's sole ownership in the vehicle predated the criminal activity in this case, announced that it no longer sought forfeiture of the vehicle, and reported that the vehicle would be returned to Fowler promptly.⁷ Accordingly, this Court vacated the hearing on Fowler's petition.⁸

Under these circumstances, Fowler's petition is now moot because she has obtained the relief she sought by agreement from the government. For these reasons, this Court recommends that District Court **dismiss the Petition for Hearing filed at Docket No. 60 as**

¹ This report is being issued as a final report and recommendation because the government no longer seeks forfeiture of the 2007 GMC Yukon, VIN: 1GKFK13037R132685.

² Docket No. 60.

³ Docket No. 39.

⁴ Docket No. 64.

⁵ Docket No 66.

⁶ Docket No. 67.

⁷ *Id.*

⁸ Docket No. 68.

moot and vacate that portion of the Preliminary Order of Forfeiture at Docket No. 39 only as it relates to the 2007 GMC Yukon, VIN: 1GKFK13037R132685.

DATED this 13th day of October, 2017, at Anchorage, Alaska.

/s/ Kevin F. McCoy

Kevin F. McCoy
United States Magistrate Judge